

REMARKS

Reconsideration of the present application is respectfully requested on the basis of the following particulars.

1. In the Specification

In the Action, several informalities were identified in the written description of the present application. In the Amendment to the Specification, these informalities have been corrected.

In view of the amendment to the specification, removal of the objections to the specification and approval of the amendments to the specification are respectfully requested in the next Office communication.

2. In the Claims

a. Claim amendments

In the Amendment of the Claims, claims 1-11 and 25 are canceled without prejudice or disclaimer.

Claim 12 was amended to recite that the at least one resilient seal element outwardly protrudes from the liner sleeve body portion, and includes a first end portion that is secured within the recessed portion and a second end portion arranged for deflection into or within the at least one recessed portion. Support for this amendment is clearly found in FIGS. 17-20 and the description thereof in the written description of the present application.

Claim 19 was amended to recite one of the features of the resilient seal element shown in FIGS. 17-20 and the subject matter of claim 20. Claim 20 was canceled without prejudice or disclaimer.

Claim 22 was amended to recite generally the same new subject matter as presently recited in claim 12. Support for this subject matter is similarly found in FIGS. 17-20 and in the written description discussing the features of FIGS. 17-20.

Claim 30 was amended to the reinforcement material originally recited in claims 31 and 32. The reinforcement material is recited as extending around the axis of the liner sleeve body portion and coinciding with at least a portion of the at least one recessed portion. The reinforcement material of the suspension liner sleeve is clearly shown by the embodiments in FIGS. 17-20. Claims 31 and 32 have been amended accordingly.

It is submitted that the subject matter now recited in claims 12, 19, 22 and 30-32 clearly finds support in the present application. Accordingly, acceptance of the amendments to claims 12, 19, 22 and 30-32 is respectfully requested in the next Office communication.

b. New claims

New claims 33-39 were added to the present application.

Claim 33 is dependent from claim 20 and recites the at least one recessed portion as being discrete and annularly extending around the liner.

Claims 34-39 are new independent claims that recite different embodiments of a suspension liner sleeve of the present application consistent with the species elected in the restriction requirement of April 9, 2004.

New claim 34 recites a suspension liner sleeve having at least one recessed portion that is oriented generally perpendicularly relative to an axis of the liner sleeve body portion.

New claim 35 recites the features of claims 22, 24 and 25 in independent form. Claim 25 was acknowledged in the Action as reciting allowable subject matter and in view of this new claim, it is submitted that claim 35 is allowable.

New claim 36 recites a resilient seal element and a corresponding recessed portion defined along a liner sleeve portion wherein the recessed portion is configured to permit outward extension of the resilient seal, and inward depression of the resilient seal element therein.

New claim 37 recites suspension liner sleeve wherein at least one recessed portion of the suspension liner sleeve defines a clearance between an end wall portion thereof and a proximal end portion of the at least one resilient seal element when the at least one resilient seal element outwardly extends from the liner sleeve body portion.

New claim 38 recites a suspension liner sleeve wherein at least one resilient seal element has a first end portion secured within at least one recessed portion of the suspension liner sleeve and a pitched member connected to the first end portion which extends obliquely towards the proximal end area of the suspension liner sleeve.

New claim 39 recites a suspension liner sleeve including at least one recessed portion that extends along at least one peripheral portion of a liner sleeve body portion between proximal and distal end areas thereof. At least one reinforcement material associated with the liner sleeve body portion is provided which extends about an axis of the liner sleeve body portion and reinforces an entirety of the at least one recessed portion.

It is submitted that the subject matter now recited in claims 33-39 clearly finds support in the present application in FIGS. 17-20 and the corresponding discussion

of these drawings in the written description. Accordingly, acceptance of new claims 33-39 is respectfully requested in the next Office communication.

3. Rejection of claims 1 and 30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,888,216 (Haberman)

Claims 1 and 30 presently stand rejected as lacking novelty in view of the Haberman disclosure. Claim 1 is presently canceled and therefore this rejection is moot regarding this claim. On the other hand, claim 30 is amended. In view of the amendment to claim 30, this rejection is respectfully traversed.

As amended, claim 30 presently recites a reinforcement material associated with the liner sleeve body portion wherein the reinforcement material extends around the liner sleeve body portion and coincides with at least a portion of the at least one recessed portion. In observing the Haberman disclosure, there is simply no disclosure or suggestion of this feature

Accordingly withdrawal of this rejection and allowance of claim 30 is respectfully requested.

4. Rejection of claims 1, 12, 13, 19, 20 and 30 under 35 U.S.C. § 102(b) as being anticipated by GB Patent 267,988 (Blatchford et al.)

Claims 1, 12, 13, 19, 20 and 30 presently stand rejected in view of the Blatchford et al. disclosure. Claims 1 and 20 are canceled and therefore the rejection of these claims is moot. Claims 12, 19 and 30 have been amended as discussed above. In view of the amendment of claims 12, 19 and 30, this rejection is respectfully traversed.

a. Claim 12

As indicated above, claim 12 of the present application has been amended to recite that the at least one resilient seal element outwardly protrudes from the liner

sleeve body portion, and includes a first end portion that is secured within the recessed portion and a second end portion arranged for deflection into or within the at least one recessed portion. On the contrary, the Blatchford et al. disclosure shows in FIGS. 1 and 2 and discusses that the ribs or projections are fitted within the grooves or recesses of the flexible socket (lines 23-46). It appears from the drawings and discussion in the Blatchford et al. disclosure that the ribs or projections are fitted or formed in the grooves and therefore can leave no room for deflection of such ribs or projections in the grooves or recesses.

Thus, in observing the Blatchford et al. disclosure, there is simply no disclosure or suggestion of a liner sleeve body portion comprising a resilient seal element having a first end portion secured within at least one recessed portion, and a second end portion arranged for deflection into or within the at least one recessed portion. Accordingly, withdrawal of this rejection and allowance of claim 12 are respectfully requested. Claims 13, 15, 16 and 17, which depend directly from claim 12, are thus patentable based on their dependency from claim 12 and their individually recited features.

b. Claim 19

Claim 19 has been amended to recite that the resilient seal comprises an outwardly pitched member extending generally towards a proximal end area of a vacuum suspension liner sleeve body. Turning to the disclosure of Blatchford et al., it is clear that the ribs and projections of the flexible socket are neither shown nor described as having an outwardly pitched member extending generally towards a proximal end area of the socket. About the most that can be said about the ribs or projections is that they radially extend outwardly from the socket, however this feature is not the same as the amended recitation of the resilient seal in claim 19 of the present application.

Accordingly, withdrawal of this rejection and allowance of claim 19 are respectfully requested. Claim 21, which depends directly from claim 19, is thus patentable based on its dependency from claim 19 and its individually recited features.

c. Claim 30

As discussed above, claim 30 has been amended to recite that reinforcement material originally recited in both claims 31 and 32. Unlike in the liner sleeve recited in claim 30, the disclosure of Blatchford et al. simply fails to disclose or suggest such a reinforcement material.

In view of this simple observation, it is submitted that the Blatchford et al. disclosure fails to disclose or suggest each and every feature of the liner sleeve of claim 30. Accordingly, withdrawal of this rejection and allowance of claim 30 is respectfully requested. Claims 31 and 32, which depend directly from claim 30, are thus patentable based on their dependency from claim 30 and their individually recited features.

5. Rejection of claims 3, 15, 22-24 and 27 under 35 U.S.C. § 103(a) as being unpatentable over GB Patent 267,988 (Blatchford et al.)

Claims 3, 15, 22-24 and 27 presently stand rejected as being obvious in view of the Blatchford disclosure. Claim 3 is cancelled and thus the rejection of this claim is now moot. Claim 15 was discussed above in reference to claim 12. Claim 22 is amended and claims 23, 24 and 27 depend from claim 22. This rejection is respectfully traversed in view of the amendment to claim 22.

As discussed above, claim 22 now recites that the at least one resilient seal element outwardly protrudes from the liner sleeve body portion. The seal element is defined as having a first end portion secured within the recessed portion and a second end portion arranged for deflection into or within the recessed portion. It is

abundantly clear that the ribs or projections described in the Blatchford et al. disclosure are not arranged as the resilient seal element presently defined in claim 22. More specifically, the ribs and projections of the Blatchford et al. disclosure are fitted within grooves and are shown as leaving no room for any deflection of a second end portion therein. Furthermore, due to their inherent rounded shape, as shown in FIGS. 1 and 2, the ribs or projections cannot define a second end portion that can deflect into or within a recessed portion.

There is clearly no description or suggestion provided by the Blatchford et al. disclosure that would motivate one skilled in the art to arrange a resilient seal element in combination with a recessed portion as recited in claim 22 of the present application.

Accordingly, withdrawal of this rejection and allowance of claim 22 are requested. Claims 23, 24 and 27 are thus patentable based on their dependency from claim 22 and their individually recited features.

6. Rejection of claims 7, 8, 16, 17, 21, 28, 29, 31 and 32 under 35 U.S.C. § 103(a) as being unpatentable over GB Patent 267,988 (Blatchford et al.) in view of US Patent 6,231,617 (Fay)

Claims 7, 8, 16, 17, 21, 28, 29, 31 and 32 presently stand rejected as being obvious in view of the combination of the Blatchford et al. and Fay disclosures. Claims 7 and 8 are cancelled and the rejection of these claims is considered moot.

a. Claims 16 and 17

Claims 16 and 17 depend from claim 12 and the basis for their patentability was briefly discussed above in view of the Blatchford et al. disclosure. The Fay disclosure fails to make up for the basic shortcomings of claim 12 discussed above in reference to the Blatchford et al. disclosure. More specifically, the Fay disclosure

fails to describe a resilient seal having an outwardly pitched member extending generally towards a proximal end area of a vacuum suspension liner sleeve body.

Upon observing the Fay disclosure, it is abundantly clear that the teachings of this reference do not anticipate a reinforcement material that coincides with a resilient seal element that extends around a peripheral portion of a liner sleeve. The Fay disclosure specifically requires that the reinforcement material comprise two elongate arms (col. 2, line 64 - col. 3, line 28). The Fay disclosure particularly teaches against such a type of reinforcement material that extends around the axis of a liner sleeve in the Background of the Invention when the arrangement of Fay is distinguished over U.S. Patent 4,923,474 (Klasson et al.).

The Fay disclosure primarily discloses a structure that limits milking, yet does so in a manner that radially reinforces only localized areas of a liner sleeve. On the contrary, according to the embodiments of the present application, is desirable that the reinforcement material reinforce the at least one resilient seal element, the at least one recessed portion (as recited in other claims), or a combination of the two in which they are generally described as extending around the liner sleeve. The Fay disclosure is not directed to reinforcing the entirety of a radius of a liner sleeve, and instead is more aptly directed to only preventing axial expansion of the liner sleeve (col. 1, lines 6-8).

It is submitted that the proposed combination of the Blatchford et al. and Fay disclosures would not result in the construction of the prosthesis system according to claim 12, and thus the variations recited in claims 16 and 17. There is nothing in the Fay disclosure that would tend to suggest to one skilled in the art to provide a reinforcement layer that coincides with a resilient element and recessed portion that extend around a peripheral portion of a liner sleeve.

The Blatchford et al. disclosure does not provide any help in making up for the shortcomings of the Fay disclosure since it does not provide any hint or suggestion

of the desirability or need for reinforcing the ribs and grooves. Moreover, it is clearly shown and described in the Blatchford et al. disclosure that the ribs and grooves extend into both the distal and proximal end areas of the flexible socket. Such features are obviously not evident in the liner sleeve recited in claim 12 in that the at least resilient seal element is specifically described as being between the distal and proximal end areas. Thus, the Blatchford et al. disclosure plainly illustrates and describes a flexible socket contrary to the one recited in claim 12.

Accordingly, the Blatchford et al. and Fay disclosures fail to provide sufficient evidence that would tend to indicate a suggestion that would motivate a skilled artisan to make the prosthesis system recited in claim 12 of the present application.

In view of these observations, it is clear that the Fay and Blatchford et al. disclosures, whether considered individually or collectively, do not disclose or suggest the features of claim 12. Withdrawal of this rejection and allowance of claims 16 and 17 are respectfully requested.

b. Claim 21

Claim 21 directly depends from claim 19 which was discussed above in view of the Blatchford et al. disclosure. As described above, the Fay disclosure fails to make up for the basic deficiencies of the Blatchford et al. disclosure. More particularly, the Fay disclosure fails to describe a resilient seal element having an outwardly pitched member extending generally towards a proximal end area of a vacuum suspension liner sleeve body.

In view of these observations, the Fay and Blatchford et al. disclosures, whether considered individually or collectively, fail to disclose or suggest the features of claims 19 and 21. Withdrawal of this rejection and allowance of claim 21 are respectfully requested.

c. Claims 28 and 29

Claims 28 and 29 depend from claim 22 which was discussed above in view of the Blatchford et al. disclosure. The Fay disclosure fails to make up for the basic shortcomings of the Blatchford et al. disclosure. More particularly, the Fay disclosure fails to describe a resilient seal that is defined as having a first end portion secured within the recessed portion and a second end portion arranged for deflection into or within the recessed portion. Furthermore, as discussed more fully above in reference to claims 16 and 17, the Fay disclosure describes a reinforcement arrangement significantly different from the reinforcement arrangement recited in claim 28 wherein the reinforcement material coincides with the at least one resilient seal element.

In view of these observations, the Fay and Blatchford et al. disclosures, whether considered individually or collectively, fail to disclose or suggest the features of claims 22, 28 and 29. Withdrawal of this rejection and allowance of claims 28 and 29 are respectfully requested.

d. Claims 31 and 32

Claims 31 and 32 directly depend from claim 30 which was contrasted above with the Blatchford et al. disclosure. The Fay disclosure fails to make up for the deficiencies of the Blatchford et al. disclosure in comparison to claim 30. More specifically, the Fay disclosure fails to disclose or suggest at least one peripheral portion of a liner sleeve body having a generally linear contour surrounding at least one recessed portion. Furthermore, as discussed more fully above in reference to claims 16 and 17, the Fay disclosure describes a reinforcement arrangement different from the reinforcement material which extends about an axis of the liner sleeve recited in claim 30.

In view of these observations, the Fay and Blatchford et al. disclosures, whether considered individually or collectively, fail to disclose or suggest the features

Application No.: 10/690,545
Examiner: David H. Willse
Art Unit: 3738

of claims 30-32. Withdrawal of this rejection and allowance of claims 31 and 32 are respectfully requested.

7. Conclusion

In view of the amendment of the claims and submission of new claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that each and every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: August 18, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Cassell', with a stylized flourish at the end.

JUSTIN J. CASSELL
Attorney for Applicant
Registration No. 46,205